EXTRA

WEATHER
Forecast: Fair and mild today and Saturday. Highest yesterday 23; lowest this morning 4. Barometer 8 a.m. 27.34 increasing.
Sun Rises Saturday 8:09; Sets 5:39.

Edmonton Bulletin

SPECIAL EDITION

Founded in 1880 by Hon. Frank Oliver | VOL. XVI., NO. 54. | EDMONTON, ALBERTA.—*Alberta's Oldest Newspaper* —SATURDAY, FEBRUARY 6, 1926 | PRICE TWO CENTS Five Cents on Trains and all points outside Greater Edmonton

SMITH FREED

LIBERAL MOTION CARRIED

Exclusive to Bulletin

OTTAWA., Feb. 5.—By a vote of 120 to 112, the House at 6:30 tonight carried the government motion, proposed earlier in the week by Hon. Ernest Lapointe, acting leader, for an adjournment of the House to March 15.

The amendment moved on behalf of the Conservatives by H. H. Stevens, Vancouver Centre, opposing adjournment, was voted down half an hour earlier by a division of 119 to 112.

The majority of the Progressives supported the government, Conservatives standing solidly behind the opposition amendment.

Following the votes the House resumed debate on the address from the throne. this to be concluded before adjournment takes place.

EDMONTON RINKS REACH FOURS IN TWO WETASKIWIN EVENTS

WETASKIWIN, Feb. 5—Progress has been made in the Wetaskiwin bonspiel, the ice is in perfect condition and the jewelry has been reached in all the open events. Poole, of Daysland, Delameter of Killam, and Taylor and Grabham of Wetaskiwin, reached the fours in the Grain Challenge. Maclaurin of Penhold, Ross of Edmonton, and Somers of Wetaskiwin, are in the fours of the Caruthers.

Four Wetaskiwin rinks have reached the fours in the Loggie, viz: Stewart, Wells, Grabham and Taylor in the Williamson event. Kirstein and Somers of Wetaskiwin, and Johnson and Ross of Edmonton are in the fours. An enjoyable smoker and entertainment was held in the Rink Hall Thursday night, with the visiting curlers as guests.

Appeal of Sir Basil Thomson Is Dismissed

Special Bulletin Cable

LONDON, Feb. 5—The appeal of Sir Basil Thomson, formerly assistant commissioner of police and head of the war-time intelligence service, who was convicted of misconduct with a woman in Hyde Park, was dismissed today by the London Court of Sessions.

Are your hands tied?

When business is coming in and orders piling up, are your hands tied by a shortage of the right kind of help? Are you forced to do a boy's work because you haven't just the right kind of boy—smart, intelligent, with a good memory, honest . . . Perhaps you need a salesman so that you can get on with real promotion and executive work—or a detail man. You, Madame, may require a housekeeper or a bright girl that will leave you some leisure.

Relieve yourself—shake free of the ropes. Get here and thanks through the "Small Ads."

Bulletin "Small Ads" will give you freedom

Mother Love Wins Test

ANOTHER Solomon sat in judgment in the Marylebone police court, London, England, recently when Joan Jennings, aged four, was awarded to her mother (both above). The father wanted custody of Joan given to her foster mother with whom she had previous lived. The cadi ordered the latter to hold the child; tears and struggles. Joan run to her mother; smiles and coos.

CRIME CALM PERVADES COURT

* * *

Magistrate Gets Gift White Gloves

Emblematic of a clean crime sheet at the city police station Friday, a pair of white gloves were presented to Magistrate P. C. H. Primrose by Alan B. Harvey, crown prosecutor. This is probably the first time that this traditional British custom has been enacted in Edmonton.

"I now declare this court open," said Sergeant John Leslie, who presented a clean docket to the chief magistrate.

Having heard that it is the practice for the agent of the attorney-general to present a pair of white gloves emblematic of purity and innocence," said Mr. Harvey, "but never before having been present in court on such an occasion, I feel somewhat overwhelmed but delighted to have the pleasure to make this presentation."

"I may say, Mr. Harvey, Chief Constable Shute, Ensign Stewart and gentlemen, that it is an old British custom that some people seem to smile at, but I think is all right," declared Magistrate Primrose, "and the more that we adhere to these practices of the old land the better. It signifies a little more, perhaps, than appears on the face of it.

It signifies that we are living in a city where there are a lot of very fine citizens who are as a general rule giving strict adherence to our laws. When such happens in a city of this size, it speaks well for the chief constable and the police, and is also a source of very great pleasure to me and I thank you for the presentation."

EDMONTON 4, VICTORIA 1

Edmonton Eskimos beat the Victorias, world's champions, in a scintillating hockey game at the Arena last night by a score of 4 to 1. The Edmonton crew scored early in the first period and were never headed. A capacity crowd saw the great contest on the finest ice surface of the winter. . . .

COMMITTEE IS NAMED FOR CUSTOMS PROBE

Exclusive to Bulletin

OTTAWA, Feb. 5—Hon. G. H. Boivin, minister of customs and excise, moved at the opening of the house this afternoon the naming of a special committee to probe the Stevens smuggling charges and that the committee consist of nine members.

Mr. Meighen commented on the motion and referred to the composition of the committee as four Conservatives, four Liberals and one Progressive. "I would have preferred an even number and apportioned more exactly as to the size of the parties in the house," said Mr. Meighen, "but the composition of the committee is expressive of the present anomalous position of this parliament."

Neville to Face Trial At Toronto

Herbert Neville, found guilty two weeks ago of theft in connection with sensational brokerage house operations here last fall, was remanded until May third for sentence by Justice Simmons here last night and was immediately rearrested by city police under instructions from Toronto police, to face charges in the East connecting him with the crash of a brokerage firm in which claims of $80,000 are at stake.

Col. Young of Toronto, representing trustees of the bankrupt firm, held a conference with Alberta attorney general's officials this afternoon, the sentence of Neville being delayed until evening as a result. He must appear again May 3rd under $1,000 personal bond.

General Tie Agent Of C.N.R. Retires

MONTREAL, Feb. 5—After many years of long and varied experience in railroad work, Mr. W. F. Gunn, general tie agent of the Canadian National railways, has retired from active service. He commenced his career in 1882 as an accountant for D. D. Mann on construction across the prairies and through the mountains of British Columbia.

With the exception of New Brunswick and Prince Edward Island, he has helped to construct railways in every province of the Dominion.

Mr. Grant was born in Acton, Ontario, on August 12, 1858. Since the general headquarters of the system were established in Montreal, he has resided there.

Former Minister Declared Not Guilty by Jury Late Last Night

Scathing Indictment of Esdale, Jeffery and Scott by J. McKinley Cameron, Counsel for Defence, in Memorable Address to Jury — Judge Ives Brief in Charge—A. L. Smith Confined His Address Mainly to Review of Evidence

George P. Smith is vindicated.

Completely exonerated by the unanimous "Not Guilty" verdict brought in at 10.35 on Friday night, the former minister of education who had been on trial since Monday morning for his alleged complicity in the theft of $5,820 of provincial funds, was immediately discharged and stepped from the dock into an enthusiastic crowd of friends and wel-wishers who engulfed him in a congratulatory wave and swept him towards his counsel who were among the first to receive his thanks.

The verdict followed two masterly addresses to the jury, both masterpieces of their particular style, the one cold, logical, and strictly legal, lasting for an hour, and the other a seathing, blistering arraignment of crown witnesses which, though delivered in almost a conversational tone, was shot through and through with telling phrases and impassioned utterances, and which lasted for a few minutes under two hours.

The addresses, the first by Arthur L. Smith, K.C., and the second by J. McKinley Cameron, senior counsel for the defence, were followed by a calm, judicial and strictly impartial summing up of the evidence and a declaration of the law by Mr. Justice Ives, who was through with his charge to the jury at 9.35.

After listening to objections raised by Mr. Cameron to phases of the charge and refusing to recall the jury, His Lordship adjourned court until 9.30, and the crowd filtered out, the defendant surrounded by friends — members of his family, Court Crowded Daily.

That the case has held an unusual interest for the Edmonton public was evident from the increasing crowds daily. Today the doors were locked on orders of Sheriff John Rae, and only a small portion of the crowd were let in. As soon as the seats were filled sheriff's officers and provincial police stopped any more entering.

Punctually at 2 o'clock Mr. Smith began his address to the jury, and although he held the crowd spellbound with a brilliant oratorical effort it was in verbal fireworks of J. McKinley Cameron who followed which gave the crowd the greatest thrill.

The addresses of crown counsel and defence counsel were in marked contrast. Arthur L. Smith, K.C. for the Crown, in rounded phrases and with studied theme built up his case point by point with deadly insistence. His was an ornate address to the jury, coupled with a masterly and logical resume of the evidence which the crown had brought after, he admitted, weeks and weeks of careful investigation.

J. McKinley Cameron in the defence affected an almost conversational tone in his opening, and continued it throughout. His address as was anticipated consisted in great part of a studied attack on Crown witnesses, and blistering, scorching invective marked his spectacular assault on the credibility of Esdale, Scott and Jeffery upon whom the Crown relied in large part for the facts to prove their case.

"A silly old crook. A simple minded, poor old man with no morals," he said, referring to Matt Esdale. "It is obvious that all the star witnesses for the Crown are crooks. They admitted they stole money, thousands of thousands of dollars of government money, but they were too small potatoes to bother with. The crown had to get someone higher up," he said.

Scott Lash

Scott also came under the lash of the defence counsel. "Scott, well perhaps be a bank robber if he only had the courage. He is not only a confidence man and thief, but a double-crosser, and he double-crossed everyone he came in contact with. This man Crook or Scott, and the terms are interchangeable, sued for a pilfering, stealing corporation with a theft account in their own books to take care of the pilferings of their employees, and a corruption account to cover donations to corrupt public officials, was the arch thief," thundered Cameron. "That it perfectly obvious from the evidence that has been wrung from them that thousands and thousands of dollars were stolen from this province by this bunch of crooks long before July 27, and isn't it just as obvious that the government investigators, Brace, Thompson and all the rest of them, knew it? Aren't there peculiarities of this case which must appeal to you as not having brought out by the government? It is not your duty to solve them. I know: it is apparently the duty of the special investigators as it never got into the hands of the police. But here we have a situation where these notorious crooks and, unfortunately, successful thieves, are walking the streets loose today. Wouldn't you think that unless some beautiful or other considerations crept into this thing they would be in jail long ago."

Why Not Esdale and Jeffery

Referring to the acquittal of Esdale and Jeffery on the conspiracy charges, Mr. Cameron said that they were only arrested as a matter of form, and then turned loose almost immediately.

"Those self-confessed crooks and thieves are walking the streets today, and the only respectable man whose name has been mentioned in connection with the case is on trial," he said. "It was only then that some one in authority awoke and realized the fact that the whole thing looked funny, and had Jeffery and Esdale arrested. But did they go to trial? No," continued defence counsel, as he outlined the manner in which Jeffery and Esdale had been arraigned, pleaded not guilty and were turned loose without any evidence being preferred against them.

"Why they were held so far as to finally convince old Jeffery that he wasn't guilty, although Matt still has some doubt about his innocence," he remarked in referring to the acquittal of the two star witnesses as a "whitewashing farce from start to finish."

Returning to Scott the defence counsel stated that this witness was "the most dangerous criminal you ever went into a witness box in this country."

"His place is in the prisoner's box, and he is long overdue. He is not an ordinary sneak thief. He is a menace to every citizen in this province. He steals or helps to steal from the government and then he steals from the company which employs him, and Esdale and his double crossed him when Esdale misappropriated $1,919, and this thing did not enter in to his double Matt's idea of that transaction apparently was that it should have been entered into the theft account immediately and the whole transaction would have passed Matt Cameron cautiously.

Contest in Falsehood?

Coming to that phase of the crown argument that it was a question of which to believe, Mr. Cameron in addressing the statements of Esdale and Jeffery, and being shown no choice in the case.

"I have no criticism as to his honesty, but is it safe to rely absolutely on the infallibility of his evidence?" asked Cameron, pointing out other slight discrepancies in Purdy's evidence with that of other crown witnesses.

"It is possible that Purdy gave George P. Smith money, but even if it was the cheque from Esdale there is no evidence that Smith knew it was stolen. It may have been payment of a legitimate debt, or a contribution to party funds. I am not suggesting that was the case, but it could have been, and Smith would not know one thing of the theft or the conspiracy between Jeffery and Esdale," argued counsel, who held that it was absolutely impossible for anyone in court to say on the evidence who got the stolen money.

Charges Perjury.

"Brace and Thompson might be able to tell, but no one else could. The books don't show it, the documents don't know it, and the only word we have is that of crooks who are deliberately perjuring themselves," he declared ringingly, and then congratulated Scott, Esdale and Jeffery on being not only "the most outstanding criminals in the country today, but the most successful thieves."

Previous to this Mr. Cameron had argued at length that there was absolutely no evidence of theft, as the government had handed over the money, on false pretences it is true, but voluntarily.

"If Esdale and Jeffery and Scott cannot be charged with the theft of this money, then George P. Smith cannot be charged with theft," he argued, holding that even if the jury found that he had advised them to put through the false transaction he would be guilty of obtaining money under false pretenses, but not of theft. He did not admit he was guilty of either.

Why Not Conspiracy

"If they all got their heads together and conspired to get this money by fraud, then they would be guilty of conspiracy to defraud, but not of theft," contended Mr. Cameron, urging in holding the jury under no circumstances could the charge be sustained on the evidence.

Defence counsel closed with an appeal to the jury to be sure beyond all reasonable doubt before bringing in a verdict.

"If you do let this man out by finding him not guilty when you believe he perhaps might, the Crown has set you a good example," he pleaded. "It would be a disgrace to any community to convict of it inaccurate and some deliberately perjured evidence, and I appeal to you to weigh it with a verdict which would let these crooks walk the streets and send George P. Smith to the penitentiary. Examine the last reasonable doubt in your minds is dispelled you must render a more which would wreck the whole life, the family and the reputation of this man, which would more perhaps than anything else, but you will send him behind the bars for the defence," he concluded.

Smith Addresses Jury.

Arthur L. Smith, who appeared for the crown, was demeante in his utterances and at the outset stressed the importance of the function of the jury and the solemnity of their responsibility in rendering a verdict for or against the accused, and the importance of the finding of the jury and the solemnity of their responsibility in rendering a verdict for or against the accused, and the innocence of the accused. Shortly he asked the jury to consider the case on merits, and on the evidence in their ordinary walks in life and applying their own experience and commonsense to the evidence. He urged them to bring in their task the dignity and pureness of mind necessary and to acquit themselves as men no matter what the consequence might be to the accused.

Crown counsel's duty, he said, was to bring out all the facts, whether in favor or against the accused, and he complimented Cameron on his able tribute to Mr. Cameron as "the greatest past master in the province in drawing the proverbial red herring across the track," but warned the jury that they were not trying to decide whether Esdale or Jeffery or Scott were crooks, but whether George P. Smith was guilty. The jury in motion whereby the province had been defrauded out of $5,820 and did he get that money.

If you find that he did, you can bring in only one verdict," he said quietly.

Defines Situation

He then pointed out where a doubt might arise in the minds of the jury in connection with the witnesses. He also referred to the alleged agreement between the Crown as to the evidence of Esdale and Jeffery, and hinted that the latter were not yet out of the woods.

"It is true that Esdale and Jeffery were acquitted on the conspiracy charge, and that George P. Smith is before you on a charge of theft of the money, but in this case you must act as to the 'donations' and with respect to the other matters mentioned there has been no stay of proceedings and no acquittal," he pointed out.

"It is immaterial whether Esdale is a crook. Jeffery is a crook, or Scott is a crook," he said. "You must consider what consideration you can give their evidence, and remember, because a man is a thief he is not necessarily a liar, and because he is a liar he is not necessarily a thief. In your judgment do not be too harsh on these men, recollecting that the incidents occurred some years ago and that no two men see anything alike at any time."

Reviews Evidence.

Mr. Smith then went carefully over the evidence and pointed out that in the main the stories of all the witnesses, even those most discredited, had not been shaken. He concluded by saying that the case had been carefully investigated, that there had been no suggestion that the investigators had not acted in accordance with the best traditions of British justice, and he urged the jurors to sift the wheat from the chaff and to say if the crown had proved to them beyond any reasonable doubt that accused were guilty.

"If we have not, your duty is to acquit him. If we have, then be men, acquit yourselves like men, and bring in the verdict your conscience dictates and your reason governs," he concluded.

Mr. Justice Ives, who proceeded in sum up a few minutes after five, was brief, but concise. It was for the jury to find the facts and a true verdict give according to those facts he pointed out. There was the responsibility of the result of that verdict, and their only duty was as men owing a responsibility to the province and the institution of trial by jury to discharge that duty by holding entirely to evidence and bringing in their verdict entirely on what they had heard and seen, and on that alone.

Explains "Doubt."

Reasonable doubt, he said, was not something behind which a jury could hide. It meant that they had to have more than a doubt, it must be a reasonable doubt. Sympathy, emotion and subjectiveness must play no part in their verdict.

"If you find that your inferences cannot be fully justified by the facts then you have a reasonable doubt, but you must give the accused the benefit," he said. "If you bring in a verdict of guilty it means that the jurors' feelings to some extent, at least, the possible conclusion of guilt and that you have no reasonable doubt of it."

His Lordship then instructed the jury that they were to bring in their verdict according to the criminal code and the evidence in the case. Conspiracy case, he said, was not circumstantial but positive, and the main point to be settled upon the evidence supplied by Esdale, Jeffery, Purdy and the documents in the case which had been put in.

Story Corroborated

Evidence of two men differed only in little particulars, he said, and the story of Esdale and Jeffery was corroborated in part by the documents. It was their right to believe in whole or in part the evidence of any witness and to reject it if necessary. The jury was not to be influenced by anything counsel had said or any inference they may have drawn from the judge's remarks. The verdict was to be on the evidence and on the evidence alone, holding entirely to the essentials, and entirely to what they had seen and heard, and alone.

It was 4.45 when the jury filed out and at 5 o'clock a note was sent in asked that they be recalled for further instructions. Mr. Justice Ives on the law of theft, holding that the judge's charge did not fully set forth the law of theft of obtaining money by false pretenses.

The jury then retired, but at 6 o'clock the judge had no authority to go into the question of the law of false pretenses, and Mr. Justice Ives said:

"I'm not going to recall them. I'll give you no further instructions," commented His Lordship. The refusal to bring back the jury on the question made it possible for Mr. Cameron to enter an appeal in the case should a conviction ensue.

Promptly at 11 a.m. Friday morning Crown Counsel Arthur L. Smith, K.C., announced that his case was closed, and J. McKinley Cameron, senior defence counsel, was immediately on his feet with a motion to have the charge against Scott dismissed from the jury.

The jury room was sent out of court while the argument to the motion was made, but Mr. Cameron had no difficulty in making his plea. His Lordship announced that further arguments was that his case was closed, and J. McKinley Cameron, senior defence counsel, was immediately on his feet with a motion to have the charge against Scott dismissed from the jury.

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Springs Surprise

Mr. Cameron then sprung an extremely novel motion, contending that no defence would be offered. That had been made to the court upon this morning was apparent from the fact that the names of the witnesses were in the corridors waiting to be called, some of them from a distance, and that not-a-one was called. It was also courtroom gossip that Scott himself was a himself anxious to take the stand in his own defence, and up until noon today it was expected that he would be called.

The surprise defence move gives J. McKinley Cameron the right to follow the crown in the address to the jury, and deprives Arthur L. Smith, K.C., crown prosecutor, of the right to follow in reply.

The decision not to put in any defence was announced after a morning spent in listening to more or less repeated evidence of the past few

Continued on Page Nine

Exonerated

GEO. P. SMITH.